

Message Text

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ACTION ARA-06

INFO OCT-01 SS-14 ISO-00 ARAE-00 L-01 EB-03 TRSE-00 CIEP-01

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FM AMEMBASSY LIMA

TO SECSTATE WASHDC IMMEDIATE 7645

C O N F I D E N T I A L LIMA 9448

LIMDIS

FOR ARA - WILLIAM ROGERS; L - MONROE LEIGH; EB - THOMAS ENDERS;
TREASURY - JOHN BUSHNELL; CIEP - WAYNE SHARPE; COMMERCE -
DAN ARRILL

E.O. 11652: GDS

TAGS: EINV, EIND, EMIN, PFOR, PE

SUBJ: MARCONA - REQUEST FOR DEPARTMENT APPROVAL OF
REVISED INTERIM AGREEMENT

1. AFTER A SERIES OF UPS AND DOWNS BEING REPORTED SEPTELS,
WE BELIEVE THERE IS SOME CHANCE USG GROUP AND GOP CAN REACH
AGREEMENT ON A PACKAGE WHICH INVOLVES AN INTERIM AGREEMENT IN
THE FORM OF A MEMORANDUM OF UNDERSTANDING (TEXT PARA 3 BELOW)
TO RESUME ORE SHIPMENTS AND CONTINUE COMPENSATION NEGOTIATIONS
(LESS THE ESCROW ACCOUNT) AND A LETTER FROM MINERO PERU
COMERCIAL (MINPECO) WHICH WILL SERVE AS BASIS FOR MARCONA
TO NEGOTIATE NEW SHIPPING CONTRACTS WITH TRADITIONAL BUYERS
OF ORE. PERU WOULD SELL FOB TO BUYERS WHO COULD CONTRACT
THEIR OWN SHIPS. MARCONA SUPPORTS THIS APPROACH, BELIEVING
THAT IF SUCCESSFUL IT WILL OFFER AN OPPORTUNITY TO REESTABLISH
A RELATIONSHIP WITH THE GOP AND, ULTIMATELY, TO A FAIR COM-
PENSATION PACKAGE. IN FACT COMPTON STATED HIS VIEW THAT THIS
PROPOSAL MORE BENEFICIAL TO MARCONA THAN ESCROW IDEA WHICH
GOP HAS REJECTED. US GROUP FEELS THAT PACKAGE WOULD OFFER
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A HOPEFUL FRAMEWORK FOR AN EVENTUAL SETTLEMENT AND AT THE

VERY LEAST POSTPONE CONFRONTATION AND GIVE GOP MORE TIME TO COMPLETE INTERNAL DISCUSSIONS ON COMPENSATION. COMPENSATION WOULD REMAIN TO BE NEGOTIATED, BUT WE FEEL CHANCES FOR A SATISFACTORY FIGURE WOULD BE GREATLY INCREASED BY REESTABLISHMENT OF MARCONA/PERU RELATIONSHIP. WE HAVE FELT FROM OUTSET THAT SOME PORTION OF TOTAL COMPENSATION MUST BE INDIRECT IN FORM OF SHIPPING AND/OR SALES CONTRACTS; INTERIM ARRANGEMENT WILL REESTABLISH THE MARCONA/GOP RELATIONSHIP, ON A COMMERCIAL RATHER THAN GOVERNMENTAL LEVEL, AND MAY BE VIABLE. IF APPROVED BY THE MINISTERS LATER TODAY, FISHLW WOULD HOPE TO SIGN FOR USG EARLY EVENING BEFORE DEPARTURE.

2. INTERIM AGREEMENT WOULD BE OBVIOUS SIGN OF NEGOTIATIONS IN GOOD FAITH AND THERE WOULD BE NO FURTHER REASON TO HOLD UP ON IFI LOANS AT LEAST FOR TIME BEING.

3. PRESENT TEXT OF PROPOSED MEMORANDUM OF UNDERSTANDING IS AS FOLLOWS:

A) UNDER DECREE LAW NO. 21228, THE GOVERNMENT OF PERU NATIONALIZED THE MINING-METALLURGICAL COMPLEX OPERATED BY THE PERUVIAN BRANCH OF THE MARCONA MINING COMPANY. AS A CONSEQUENCE OF THIS ACTION, REPRESENTATIVES OF THE GOVERNMENT OF PERU AND THE GOVERNMENT OF THE UNITED STATES HAVE BEEN HOLDING AND WILL CONTINUE TO HOLD DISCUSSIONS AIMED AT REACHING AGREEMENT REGARDING JUST AND APPROPRIATE COMPENSATION.

B) PURSUANT TO THIS OBJECTIVE THE GOVERNMENT OF PERU WILL COMPLETE ITS AUDIT OF THE FINANCIAL STATEMENTS OF THE MARCONA MINING COMPANY'S PERUVIAN BRANCH, A PROCESS WHICH SHOULD BE COMPLETED WITHIN SIXTY (60) DAYS.

C) SHIPMENTS OF IRON ORE SHALL BE RESUMED AS PROMPTLY AS POSSIBLE IN CONFORMITY WITH TERMS AND CONDITIONS DETERMINED BY MINERO PERU COMERCIAL AND WITH DUE CONSIDERATION FOR THE REQUIREMENTS AT THE STEEL MILLS THAT HAVE TRADITIONALLY CONSUMED PERUVIAN ORE. MARITIME TRANSPORT ON C.I.F. TERMS SHALL BE CONTRACTED BY THE COMPANIA PERUANA DE VAPORES. HOWEVER, WHERE SALES BY MINERO PERU COMERCIAL ARE CONTRACTED FOR UNDER FOB CONDITIONS, THE BUYER SHALL HAVE FULL FREEDOM TO SELECT
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THE SHIPS THAT TRANSPORT THE IRON ORE UNDER SAID CONTRACTS.

D) THE ARRANGEMENTS DESCRIBED IN THE PRESENT DOCUMENT SHALL BE REEVALUATED AFTER THREE MONTHS. IT SHALL BE UNDERSTOOD THAT THEY ARE NOT INTENDED AS A PERMANENT ACCORD, BUT AS AN INTERIM MEANS FOR FACILITATING THE EXPORT OF IRON ORE, WITH THE FURTHER UNDERSTANDING THAT AGREEMENT ON JUST AND APPROPRIATE COMPENSATION AS SPECIFIED IN PARAGRAPH (A) SHALL BE REACHED

AS EXPEDITIOUSLY AS POSSIBLE.

E) THIS MEMORANDUM WILL BE SIGNED IN THE ENGLISH AND
SPANISH LANGUAGES AND BOTH TEXTS WILL HAVE EQUAL VALIDITY.

4. MINPECO-MARCONA LETTER APPROVED BY MARCONA BEING SENT
SEPTTEL.

5. REQUEST DEPARTMENT'S URGENT CONCURRENCE IN SIGNATURE OF
AGREEMENT ALONG LINES OF TEXT GIVEN PARA. 3, WITH UNDERSTANDING
THAT SIGNED LETTER ACCEPTABLE TO MARCONA WILL BE EXECUTED AT
SAME TIME.
DEAN

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NNN

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